

Subject: Proposed TRAI stipulations on ad-related issues on TV channels

Dear Mr. Ahmad,

Greetings from CERC.

Consumer Education and Research Centre (CERC), Ahmedabad, founded in 1978, has been working in public interest as a public charitable trust. Its thrust areas are: consumer protection through research, education and awareness, complaints handling, legal advice and litigation; environment protection; and investor protection. It also tests consumer products at its in-house laboratory -- the only one of its kind in Asia, except Japan -- and disseminates the test findings through its nationally circulated bimonthly in English, *INSIGHT -- The Consumer Magazine*.

We appreciate TRAI's *suo moto* effort to review the existing regulations on the duration of TV ads and their format of presentation on the channels. The proposed stipulations under section 1.23 of the consultation paper are commendable and they should be implemented strictly. Our comments on the consultation paper are as follows:

1. The release of the consultation paper has not been publicised in the media. Only the TRAI website visitors are aware of the document and the proposed changes in the rules for advertising on TV channels. Consumers and viewers of TV channels are the single largest stakeholder group and they must know the development. TRAI should first **publicise the consultation paper** and the proposed stipulations through the media.
2. The proposed stipulations do not mention any provision for the **grievance redressal mechanism** for TV viewers and the consumers of cable TV. In case a TV channel flouts the TRAI norms, there must be a simple and easy- to-use mechanism to handle consumers' complaints.

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3. The efforts of TRAI would make a difference if people know the new guidelines. Once the stipulations are finalised, TRAI should **ensure that every TV viewer knows them**, so that they can act like a watchdog.
4. For a pay channel, **link the duration of ad to income from subscription**. The higher the income from subscribers, the lower should be the duration of ads. Consumers would not like to compromise their TV viewing experience if they pay for the service.

5. The proposed stipulations do not mention any **norms for the local cable operators** who continuously show ads in addition to regular ads shown by channels.
6. For **children-specific channels** and programmes the ad duration should be further decreased from 12 minutes for FTA channel and 6 minutes for pay channels to 6 minutes for FTA channel and 3 minute for pay channels. Advertisers target children to influence the purchasing decision of parents. Children are more susceptible to false and misleading claims shown in TV ads. For example, in Australia, the restriction on ads is very stringent, where no commercial may be broadcast in the pre-school children's classification zone.
7. In New Zealand, TV ads are banned on Christmas day, Good Friday, Easter Sunday, etc., and also advertising of unhealthy products like alcohol is banned. In India TRAI may also **curb TV ads during festivals** like Diwali, Holi, Christmas, Eid and New Year. Heavy advertising during the festivals leads to over consumption and wastage of resources, which is against the principles of sustainable living.
8. Inserting **ad breaks during a live show/ programme** reduces its viewing experience. Similar to sports events, in programmes such as concerts and live events, advertising should only be inserted at natural breaks. Norway has a similar provision on ad breaks.

We hope TRAI would take a note of our suggestions and include them in its guidelines for TV channels.

Should you need more information/ clarification, please write to us.

Thanking you,

Yours sincerely,

Pritee Shah
Chief General Manager – CERC, &
Editor – Insight—The Consumer Magazine